REMARKS

In response to the Office Action dated November 17, 2006 independent claims 1, 10, 13, 27, 36 and 37 have been amended. Claims 20, 22, 23 and 31, 33 and 34 were canceled in a previous amendment. Thus, claims 1-19, 21, 24-30, 32 and 35-37 are in the case. Reexamination and reconsideration of the application, as amended, are requested. The Office Action rejected claims 1-19, 21, 23-30, 32 and 35-37 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement.

The Applicant respectfully traverses this rejection. However, since the Applicant has amended the claims to remove the language rejected by the Examiner for other reasons, the rejection is moot.

The Office Action rejected claims 10 and 12 under 35 U.S.C. § 102(e) as allegedly being anticipated by Markowitz et al. (U.S. Patent No. 6,311,185). The Office Action rejected claims 1-9, 11, 13-19, 21, 24-30, 32 and 35-37 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Markowitz et al. in view of Hanson et al. (U.S. Patent No. 5,974,398).

The Applicant respectfully traverses these rejections based on the amendments to the claims and the arguments below.

The independent claims (claims 1, 10, 13, 27, 36 and 37) now include using heuristic data to determine if the candidate advertisements have already been sent to the subscriber and if additional deliveries of the same, related or similar advertisements are appropriate according to advertiser demands, expectations, payment and the subscriber's demographic data, automatically resizing the candidate advertisements and the dynamic content, auctioning the resized candidate advertisements and the resized dynamic content by receiving offers **and** placing on the page of the on-line publication candidate advertisements corresponding to a greatest offer of the auction of the resized advertisements and content. Support for these amendments can be found on page 7 and FIG. 1 of the original specification.

In contrast, with regard to the rejection under 35 U.S.C. § 102(b), Markowitz et al. merely disclose modifying a web page by adding an advertisement (see Abstract, Summary, FIG. 3 and cols. 3 and 4 of Markowitz et al.). Although Markowitz et al.

disclose that the server "...can determine the specific attributes of the Web page...such as the presence and location of text and graphics...and decide how the selected advertisement can best be added," Markowitz et al. is still **missing** at least one feature of the Applicant's claimed invention. Namely, among other things, Markowitz et al. do **not** disclose the Applicant's claimed automatically resizing the candidate advertisements and the dynamic content **and then** auctioning the resized candidate advertisements and the resized dynamic content. As such, since the Markowitz et al. reference does not disclose all of the elements of the claimed invention, the Markowitz et al. reference cannot anticipate the claims. Hence, the Applicants respectfully submit that the rejection under 35 U.S.C. 102 should be withdrawn.

Next, with regard to the rejection under 35 U.S.C. § 103(a), Hanson et al. do not add anything to Markowitz et al. that would render the claimed invention obvious. For instance, Hanson et al. simply disclose an advertisement bidding system that allows advertisers to display their paid ads, which when viewed by a user, pays for a portion of the user's service or usage charge (see Abstract, FIGS. 13-15, col. 9, line 29 to col. 11, line 5 of Hanson).

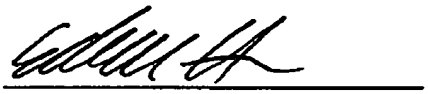
However, as discussed above, the Applicant's claimed invention now includes using heuristic data to determine if the candidate advertisements have already been sent to the subscriber and if additional deliveries of the same, related or similar advertisements are appropriate according to advertiser demands, expectations, payment and the subscriber's demographic data, automatically resizing the candidate advertisements and the dynamic content, auctioning the resized candidate advertisements and the resized dynamic content by receiving offers **and** placing on the page of the on-line publication candidate advertisements corresponding to the greatest offer of the auction of the resized advertisements and content, which are not disclosed by the combined cited references. Thus, in light of the amendments to the claims, since the combined references are missing at least one material limitation of the Applicant's claimed invention, they **cannot** legally render the claims obvious. As such, a prima facie case of obviousness **cannot** be established, and hence, the rejections must be withdrawn. (MPEP 2143).

Further, with regard to the dependent claims, since they depend from the above-argued respective independent claims, they are therefore patentable on the same basis. (MPEP § 2143.03). Also, the other references cited by the Examiner also have been considered by the Applicants in requesting allowance of the dependant claims and none have been found to teach or suggest the Applicants' claimed invention.

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

Hewlett Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Respectfully submitted,
Dated: February 20, 2007



Edmond A. DeFrank
Reg. No. 37,814
Attorney for Applicants
(818) 885-1575 TEL
(818) 885-5750 FAX